

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

SONWEST CO.,

Plaintiff,

V.

J. TERRON EVERTSON, *in his official capacity as Williamson County Engineer*; BILL GRAVELL, *in his official capacity as Williamson County Judge*; and TERRY COOK, CYNTHIA LONG, RUSS BOLES, and VALERIE COVEY, *in their official capacities as Williamson County Commissioners*,

Defendants.

1:20-CV-842-RP

ORDER

Before the Court is the above-entitled matter. The Court has reviewed Defendants’¹ Motion to Dismiss, (Dkt. 8), and the responsive briefing, (Dkts. 9, 10). Count 3 in Plaintiff SonWest Co.’s (“SonWest”) amended complaint brings a declaratory judgment action against Defendant J. Terron Evertson for ultra vires acts regarding non-party WBW Development Group, LLC’s development, Schwertner Ranch. (Am. Compl., Dkt. 7, at 33–34). Out of an abundance of caution, the Court believes that the parties should be afforded to opportunity to file supplemental briefing regarding SonWest’s standing to bring this claim, which has not been fully briefed. (*See* Defs.’ Reply, Dkt. 10, at 8); *Lujan v. Defs. Of Wildlife*, 504 U.S. 555, 560–61 (1992) (explaining that to establish Article III standing, a plaintiff must demonstrate that it has (1) suffered an injury in fact, (2) that is fairly traceable to the challenged conduct of the defendant, and (3) that is likely to be redressed by a favorable judicial decision).

¹ Defendants are Bill Gravell, in his official capacity as Williamson County Judge; Terry Cook, Cynthia Long, Valerie Covey, and Russ Boles, in their official capacities as Williamson County; and J. Terron Evertson, in his official capacity as Williamson County Engineer's.

Accordingly, SonWest is **ORDERED** to submit to the Court supplemental briefing, not to exceed ten (10) pages, providing support for its standing to bring Count 3 against Defendants.

SonWest is ordered to file this briefing on or before **April 21, 2021**. Defendants may respond to SonWest's supplement on or before May 5, 2021. Defendants' submission may not exceed ten (10) pages.

SIGNED on April 7, 2021.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE